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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

APR - 9 1997

JAMES R. LARSEN, CLERK

DEPUTY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA)

Plaintiff,)

vs.)

VERNE JAY MERRELL, aka Jay)
Merrell, aka Thomas C.)
James, aka Carl Avery)
Martell,)

CHARLES HARRISON BARBEE,)

ROBERT SHERMAN BERRY, aka)
Jim Preston, aka Scott)
Westmann, aka Bryron)
Vurmullien, and)

BRIAN EDWARD RATIGAN, aka)
Jack O'Brien, aka Lee)
Phallen,)

Defendants.)

CR-96-257-WFN

CR-96-258-WFN

CR-96-259-WFN ✓

CR-97-066-WFN

SUPERSEDING INDICTMENT

Vio: 18 U.S.C. § 371
Conspiracy (Ct 1)

18 U.S.C. § 844(i)
Destruction of Building
Used in Interstate
Commerce (Cts 2 & 6)

18 U.S.C. § 924(c)
Use of Firearm During
Crime of Violence
(Cts 3, 5, 7, & 9)

18 U.S.C. § 2113(a) & (d)
Armed Bank Robbery
(Cts 4 & 8)

The Grand Jury Charges:

CONSPIRACY**COUNT 1**

Beginning on a date unknown to the Grand Jury, but by on or about May 2, 1995, and continuing through on or about March 13, 1997, in the District of Idaho, District of Oregon, Western District of Washington, and the Eastern District of Washington, BRIAN EDWARD RATIGAN, aka Jack O'Brien, aka Lee Phallen, defendant herein, and unindicted co-conspirators, Verne Jay Merrell, aka Jay Merrell, aka Thomas C. James, aka Carl Avery Martell, Charles Harrison Barbee, and Robert Sherman Berry, aka Jim Preston, aka Scott Westmann, aka Bryron Vurmullien, did knowingly combine, conspire, confederate and agree together and with each other, and with other persons both known and unknown to the grand jury, to commit offenses against the United States, to wit: to commit the crimes in counts 2 through 9 herein, in violation of 18 U.S.C. §§ 844(i), 924(c), and 2113(a) and (d).

In furtherance of the conspiracy and to effect the objects of the conspiracy, certain overt acts were committed in the Eastern District of Washington and elsewhere, to wit, overt acts including, but not limited to:

1. Those acts contained in counts 2 through 9 of this Indictment which are incorporated herein by this reference;
2. On or about May 2, 1995, the possession by CHARLES HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston, aka Scott Westmann, aka Bryron Vurmullien, of: a SWD, Cobray, M-11, 9mm pistol with a silencer; Washington State license plates registered to vehicles owned by Avis Rent A Car, Spokane,

1 Washington; two camouflage military flak jackets; military
2 night vision goggles; and a note pad, on one page of which was
3 written, "things to do 1. check out vehicles keys and plates
4 2. scanner 3. where to park sub 4. gloves 5. change plates on
5 sub 6. emergency phone #'s 7. route out 8. Govt. plates".

6 3. The mailing, on or about September 6, 1996, of letters to the
7 Spokesman Review and U.S. Bank with a return address of
8 "Phinehas". The letters read, "Your gods are paper. \$100,000
9 of them are no match for Yahweh. (Obadiah 18) Publicly rescind
10 your bounty and declare your gods powerless or those who
11 worship at your alter will suffer His wrath. cc: Spokesman
12 Review".

13 4. The mailing, on or about September 6, 1996, of a letter
14 addressed to "Director: Planned Parenthood, 20 South Pines,
15 Spokane, Washington", having a return address of "Phinehas".
16 The letter read, "So sorry to have missed you July 12, and you
17 missed the note about Psalm 139. Will do better next time.
18 Halleluyah! (Praise ye Yah)."

19 5. On or about September 20, 1996, the theft of a 1996 Chevrolet
20 Suburban and a 1996 GMC Sierra Club Coupe pickup from Herning
21 Pontiac, Cadillac, GMC Inc. Pocatello, Idaho;

22 6. On or about October 8, 1996, VERNE JAY MERRELL, aka Jay
23 Merrell, aka Thomas C. James, aka Carl Avery Martell, CHARLES
24 HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston,
25 aka Scott Westmann, aka Bryron Vurmullien, travelled from
26 Sandpoint, Idaho to Portland, Oregon in a failed robbery
27 attempt of the U.S. Bank in Portland, Oregon;
28

- 1 7. On or about October 8, 1996, VERNE JAY MERRELL, aka Jay
2 Merrell, aka Thomas C. James, aka Carl Avery Martell, CHARLES
3 HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston,
4 aka Scott Westmann, aka Bryron Vurmullien, did unlawfully
5 transport in interstate commerce from the state of Idaho, to
6 the states of Oregon and Washington, a 1996 Chevrolet
7 Suburban, stolen from Pocatello, Idaho;
- 8 8. On or about October 8, 1996, VERNE JAY MERRELL, aka Jay
9 Merrell, aka Thomas C. James, aka Carl Avery Martell, CHARLES
10 HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston,
11 aka Scott Westmann, aka Bryron Vurmullien, did unlawfully
12 transport in interstate commerce from the state of Oregon, to
13 the state of Washington, a 1996 Ford Aerostar van, stolen from
14 Hood River, Oregon;
- 15 9. On or about October 8, 1996, the mailing of a letter from
16 Portland, Oregon to the Spokesman-Review in Spokane,
17 Washington;
- 18 10. On or about October 8, 1996, VERNE JAY MERRELL, aka Jay
19 Merrell, aka Thomas C. James, aka Carl Avery Martell, CHARLES
20 HARRISON BARBEE, and ROBERT SHERMAN BERRY, aka Jim Preston,
21 aka Scott Westmann, aka Bryron Vurmullien, did unlawfully
22 possess unregistered destructive devices, to wit, grenades;
- 23 11. On or about October 8, 1996, the possession by ROBERT SHERMAN
24 BERRY, aka Jim Preston, aka Scott Westmann, aka Bryron
25 Vurmullien, of a PWA 223 machine gun;

1 12. The possession by VERNE JAY MERRELL, aka Jay Merrell, aka
2 Thomas C. James, aka Carl Avery Martell of a machine gun later
3 found in his home on or about October 10, 1996; and

4 13. The possession by CHARLES HARRISON BARBEE of grenades later
5 found in his home on or about October 9, 1996;

6 All in violation of 18 U.S.C. § 371.
7

8 **APRIL 1, 1996**

9 **COUNT 2**

10 On or about April 1, 1996, in the Eastern District of
11 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.
12 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT
13 SHERMAN BERRY, aka Jim Preston, aka Scott Westmann, aka Bryron
14 Vurmullien, maliciously damaged and destroyed, by means of fire and
15 explosive materials, the Spokesman Review Office building located
16 at 13208 East Sprague Avenue, Spokane, Washington, used in and
17 affecting interstate commerce, in violation of 18 U.S.C. § 844(i)
18 and 18 U.S.C. § 2.

19 **COUNT 3**

20 That on or about April 1, 1996, in the Eastern District of
21 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.
22 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT
23 SHERMAN BERRY, aka Jim Preston, aka Scott Westmann, aka Bryron
24 Vurmullien, did knowingly and willfully use and carry a firearm
25 that is a destructive device (a pipe bomb), during and in relation
26 to a crime of violence, to wit, malicious destruction of property
27 in interstate commerce, to wit, the Spokesman Review Office
28

1 building, located at 13208 East Sprague Avenue, Spokane,
2 Washington, in violation of 18 U.S.C. § 844(i), all in violation of
3 18 U.S.C. § 924(c)(1) and 18 U.S.C. § 2.

4 COUNT 4

5 That on or about April 1, 1996, in the Eastern District of
6 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.
7 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT
8 SHERMAN BERRY, aka Jim Preston, aka Scott Westmann, aka Bryron
9 Vurmullien, by force, violence, and by intimidation, did take from
10 the person and presence of another, approximately \$72,000 of money
11 belonging to and in the care, custody, control, management and
12 possession of U. S. Bank, located at 9208 East Sprague, Spokane,
13 Washington, the deposits of which were then insured by the Federal
14 Deposit Insurance Corporation, and in committing such offense,
15 VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C. James, aka Carl
16 Avery Martell, CHARLES HARRISON BARBEE, and ROBERT SHERMAN BERRY,
17 aka Jim Preston, aka Scott Westmann, aka Bryron Vurmullien, did
18 assault and put in jeopardy the life of another person by the use
19 of dangerous weapons, to wit, a destructive device (a pipe bomb)
20 and firearms, all in violation of 18 U.S.C. § 2113(a) and (d) and
21 18 U.S.C. § 2.

22 COUNT 5

23 That on or about April 1, 1996, in the Eastern District of
24 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.
25 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, and ROBERT
26 SHERMAN BERRY, aka Jim Preston, aka Scott Westmann, aka Bryron
27 Vurmullien, did knowingly and willfully use and carry a firearm
28

1 that is a destructive device (a pipe bomb), during and in relation
2 to a crime of violence, to wit, armed bank robbery of the U. S.
3 Bank, located at 9208 East Sprague, Spokane, Washington, in
4 violation of 18 U.S.C. § 2113(d), all in violation of 18 U.S.C. §
5 924(c)(1) and 18 U.S.C. § 2.

6
7 **JULY 12, 1996**

8 **COUNT 6**

9 On or about July 12, 1996, in the Eastern District of
10 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.
11 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, ROBERT
12 SHERMAN BERRY, aka Jim Preston, aka Scott Westmann, aka Bryron
13 Vurmullien, and BRIAN EDWARD RATIGAN, aka Jack O'Brien, aka Lee
14 Phallen, maliciously damaged and destroyed, by means of fire and
15 explosive materials, the Planned Parenthood Clinic building located
16 at South 20 Pines, Spokane, Washington, used in and affecting
17 interstate commerce, in violation of 18 U.S.C. § 844(i) and 18
18 U.S.C. § 2.

19 **COUNT 7**

20 That on or about July 12, 1996, in the Eastern District of
21 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.
22 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, ROBERT
23 SHERMAN BERRY, aka Jim Preston, aka Scott Westmann, aka Bryron
24 Vurmullien, and BRIAN EDWARD RATIGAN, aka Jack O'Brien, aka Lee
25 Phallen, did knowingly and willfully use and carry a firearm that
26 is a destructive device (a pipe bomb), during and in relation to a
27 crime of violence, to wit, malicious destruction of property in
28 interstate commerce, to wit, the Planned Parenthood Clinic, located

1 at South 20 Pines, Spokane, Washington, in violation of 18 U.S.C.
2 § 844(i), all in violation of 18 U.S.C. § 924(c)(1) and 18 U.S.C.
3 § 2.

4 COUNT 8

5 That on or about July 12, 1996, in the Eastern District of
6 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.
7 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, ROBERT
8 SHERMAN BERRY, aka Jim Preston, aka Scott Westmann, aka Bryron
9 Vurmullien, and BRIAN EDWARD RATIGAN, aka Jack O'Brien, aka Lee
10 Phallen, by force, violence, and by intimidation, did take from the
11 person and presence of another, approximately \$36,666 of money
12 belonging to and in the care, custody, control, management and
13 possession of U.S. Bank, located at 9208 East Sprague, Spokane,
14 Washington, the deposits of which were then insured by the Federal
15 Deposit Insurance Corporation, and in committing such offense,
16 VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C. James, aka Carl
17 Avery Martell, CHARLES HARRISON BARBEE, ROBERT SHERMAN BERRY, aka
18 Jim Preston, aka Scott Westmann, aka Bryron Vurmullien, and BRIAN
19 EDWARD RATIGAN, aka Jack O'Brien, aka Lee Phallen, did assault and
20 put in jeopardy the life of another person by the use of dangerous
21 weapons, to wit, firearms, all in violation of 18 U.S.C. § 2113(a)
22 and (d) and 18 U.S.C. § 2.

23 COUNT 9

24 That on or about July 12, 1996, in the Eastern District of
25 Washington, VERNE JAY MERRELL, aka Jay Merrell, aka Thomas C.
26 James, aka Carl Avery Martell, CHARLES HARRISON BARBEE, ROBERT
27 SHERMAN BERRY, aka Jim Preston, aka Scott Westmann, aka Bryron
28

1 Vurmullien, and BRIAN EDWARD RATIGAN, aka Jack O'Brien, aka Lee
2 Phallen, did knowingly and willfully use and carry firearms, during
3 and in relation to a crime of violence, to wit, armed bank robbery
4 of the U. S. Bank, located at 9208 East Sprague, Spokane,
5 Washington, in violation of 18 U.S.C. § 2113(d), all in violation
6 of 18 U.S.C. § 924(c)(1) and 18 U.S.C. § 2.

7 DATED this 9th day of April, 1997.


8 A TRUE BILL

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11 
12 JAMES P. CONNELLY
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14
15 
16 Foreman

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